

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

BLACK LOVE RESISTS IN THE RUST, *et al.*,
individually and on behalf of a class of all others similarly
situated,

Plaintiffs,

-against-

CITY OF BUFFALO, N.Y., *et al.*,

No. 1:18-cv-00719-CCR

Defendants.

PLAINTIFFS' THIRD STATUS REPORT RE MOTION TO COMPEL

Plaintiffs respectfully submit this Third Status Report regarding the pending motion to compel discovery (D.E. 65 ¶ 7).

Progress continues to be made, but not all issues have yet been resolved, and additional issues have arisen in the course of deposition discovery and the parties' discussions. Plaintiffs hereby request an additional two-week adjournment to seek closure on these issues. If the Court would prefer, Plaintiffs would be prepared to withdraw the pending motion without prejudice to reinstitution (including the filing of supplemental papers) on two weeks' notice, with Defendants to respond one week after notice and Plaintiffs to reply two days before the return date.

Defendants have advised that they consent to the adjournment and consent to withdrawal of the motion without prejudice but oppose the proposed briefing schedule and believe either that standard rules should apply or that the Court should set a schedule. Plaintiffs are of the view that with depositions having been adjourned because of issues with document production, it will be important to obtain a ruling expeditiously if it is necessary to reinstitute the motion.

Dated: March 15, 2021

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Respectfully submitted,

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